AMENDMENTS TO THE CLAIMS

This listing of claims will replace all prior versions and listings of claims in the application:

LISTING OF CLAIMS:

1-12. (canceled)

13. (withdrawn-previously presented): A method of preparing the *Mycobacterium* promoter of claim 23, said process comprising the steps of:

(a) isolating said promoter from *Mycobacterium* DNA,

(b) ligating the isolated promoter sequence of step (a) into a plasmid vector.

14. (withdrawn-previously presented): The process of claim 13, wherein the *Mycobacterium* promoter is 2.5 fold more active in *M. Smegmatis* than the heat shock protein promoter (P_{hsp60}).

15. (withdrawn-previously presented): A process of expressing a reporter gene in *M. smegmatis* under carbon starved conditions, the process comprising the step of growing *M. smegmatis* containing the promoter of claim 28, wherein the carbon source is about 2.5 to 0.001% glucose.

16. (withdrawn-previously presented): The process of claim 15, wherein the carbon source is about 2 to 0.02% glucose.

17. (withdrawn-previously presented): The process of claim 15, wherein the growth of the *M. smegmatis* is reduced by about 6 to 25% by the presence of ethambutol.

18. (withdrawn-previously presented): The process of claim 17, wherein the growth of the *M. smegmatis* is reduced by about 7 to 21% by the presence of ethambutol.

19. (withdrawn-previously presented): The process of claim 15, wherein the growth of the *M.* smegmatis is reduced by about 15 to 45% by the presence of isoniazid.

20. (withdrawn-previously presented): The process of claim 19, wherein the growth of the *M. smegmatis* is reduced by about 18 to 40 % in the presence of isoniazid.

21. (withdrawn-previously presented): The process of claim 15, wherein the growth of the *M. smegmatis* is reduced by about 20 to 45% by the presence of rifampicin.

22. (withdrawn-previously presented): The process of claim 21, wherein the growth of the *M. smegmatis* is reduced by about 21 to 41% by the presence of rifamipicin.

23. (currently amended): A *Mycobacterium* promoter, wherein the promoter is stable in *M. smegmatis* and *E. coli,* and consists essentially of a~~the~~ 200 base pair fragment upstream and ~~adjacent~~ proximal to the *Mycobacterium tuberculosis* relA/SpoT gene.

24. (previously presented): The *Mycobacterium* promoter of claim 23, wherein the promoter is operatively linked to a reporter gene.

25. (previously presented): The *Mycobacterium* promoter of claim 24, wherein said reporter gene is LacZ.

26. (previously presented): The *Mycobacterium* promoter of claim 24, wherein said reporter gene is xylE.

27. (currently amended): The *Mycobacterium* promoter of claim 24, wherein the promoter is 2.5 fold more active in *M. smegmatis* than ~~the~~ a heat shock protein 60 promoter, (P_{hsp60}).

28 (previously presented): The *Mycobacterium* promoter of claim 24, wherein the promoter is further contained in a plasmid with an Ampicillin or Kanamycin resistance marker.

29. (previously presented): The *Mycobacterium* promoter of claim 23, wherein the promoter consists of SEQ ID NO:2.

30. (new): The *Mycobacterium* promoter of claim 23, wherein the promoter is stable in *M. smegmatis* and *E. coli,* and consists of the 200 base pair fragment upstream and proximal to the *Mycobacterium tuberculosis* relA/SpoT gene.